From: Ed Saipetch
To: Microsoft ATR
Date: 1/23/02 10:18am
Subject: Microsoft Settlement

Hi,

I am writing to tell you that I disagree with the Microsoft settlement
terms.

I believe that the Proposed Final Judgement in United Stats vs. Microsoft
is shortsighted and overly broad in many of the limitations set for
Microsoft. Microsoft has been known for it's "Embrace and Extend"
philosophy and some of the clauses in the judgement will allow them to do
that again.

The proposed judgement applies to "Windows", however it does not define
products that Microsoft is developing that may extend their monopoly such
as Windows CE, Pocket PC, or their X-Box platform.

Also the settlement states that it requires API documentation however
competitors are not allowed to use it to help make their operationg
systems compatible with Windows.

These clauses just show how loopholes have been created within the
settlement that allows Microsoft to escape its grasps with technicalities.

To level the playing field with their competitors, Microsoft should be
required to publish a complete documentation of all their Windows (*and
related products) API's. This does not allow people to steal their
technology but to *interface* into it so they can develop products for
Windows. What is going to stop them from having API's that have been
performance-crippled and API's that only they use which aren't?

Another suggestion mentioned by the GNU organization is allowing them to
only use patents for defense. Even if they are allowed to release
specifications on their products, what is going to keep them from going
after companies for developing things remotely like their products. Right
now Embrace & Extend has kept them ahead but if they are not allowed to
use this tactic against competitors, what's going to stop them from suing
them?

One last comment... It seems that section III(J)(2) contains statements
that are pinned against not-for-profit organizations. According to that
section it isn't necessary for them to describe, license, document API's
and protocols affecting authentication or authorization to companies that
don't meet Microsoft's standards as a business. I don't understand how
Microsoft is able to determine that criteria... It appears that their own
standards of running a business counter that of the U.S. government's.

They seem to constantly be saying that Linux is a threat to them as well as Open Source projects in general, this allows them to not give their API's for authentication away to a competitor.

This mail may not mean much but hopefully someone will understand just as Judge Thomas Penfield Jackson did, that Microsoft interested in their own best interests, not the public's. The company has been permitted to stifle innovation and contribute to competitors demise.

Thank you for your time.

Sincerely,

Ed Saipetch
Indianapolis, IN